

# Exhibit 1

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**From:** Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
**Sent:** Friday, February 25, 2022 10:53 AM  
**To:** Moye, John; Duncan Byers  
**Cc:** Shores, Andrew; Carla Veals  
**Subject:** [EXTERNAL]RE: Terracino v. Trimaco, Inc.

John – Plaintiffs won’t be amending the Complaint at this time. Best, Rob

**Robert C. Van Arnam**  
T 919.981.4055

---

**From:** Moye, John <[JMoye@btlaw.com](mailto:JMoye@btlaw.com)>  
**Sent:** Thursday, February 24, 2022 1:00 PM  
**To:** Duncan Byers <[dbyers@PWHD.com](mailto:dbyers@PWHD.com)>; Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
**Cc:** Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>; Carla Veals <[cveals@pwhd.com](mailto:cveals@pwhd.com)>  
**Subject:** RE: Terracino v. Trimaco, Inc.

Thanks. I will be in the office in the morning- feel free to call me after your discussion with the client.

**John Moye** | Partner  
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**From:** Duncan Byers <[dbyers@PWHD.com](mailto:dbyers@PWHD.com)>  
**Sent:** Thursday, February 24, 2022 12:20 PM  
**To:** Moye, John <[JMoye@btlaw.com](mailto:JMoye@btlaw.com)>; Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
**Cc:** Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>; Carla Veals <[cveals@pwhd.com](mailto:cveals@pwhd.com)>  
**Subject:** [EXTERNAL]RE: Terracino v. Trimaco, Inc.

Unfortunately our schedules didn’t offer time today but we are speaking first thing in the morning. I will get back to you immediately afterwards.

| Duncan G. Byers, Partner  
| **PATTEN, WORNOM, HATTEN & DIAMONSTEIN, L.C.**



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<https://www.linkedin.com/in/duncangbyers/>



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Intellectual Property Litigation 2021 - 2022*



From: Moye, John <[JMoye@btlaw.com](mailto:JMoye@btlaw.com)>

Sent: Thursday, February 24, 2022 12:17 PM

To: Duncan Byers <[dbyers@PWHD.com](mailto:dbyers@PWHD.com)>; Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>

Cc: Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>; Carla Veals <[cveals@pwhd.com](mailto:cveals@pwhd.com)>

Subject: RE: Terracino v. Trimaco, Inc.

Thanks. I am hoping we can get clarity on next steps today.

**John Moye** | Partner

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From: Duncan Byers <[dbyers@PWHD.com](mailto:dbyers@PWHD.com)>

Sent: Thursday, February 24, 2022 11:27 AM

To: Moye, John <[JMoye@btlaw.com](mailto:JMoye@btlaw.com)>; Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>

Cc: Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>; Carla Veals <[cveals@pwhd.com](mailto:cveals@pwhd.com)>

Subject: [EXTERNAL]RE: Terracino v. Trimaco, Inc.

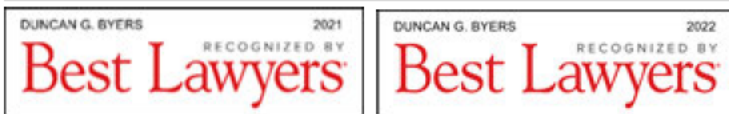
I understand. We are discussing this very issue today hopefully and I'll get back to you. My apologies; I've just been scrambling with issues cropping up last minute.



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From: Moye, John <[JMoye@btlaw.com](mailto:JMoye@btlaw.com)>

Sent: Thursday, February 24, 2022 11:08 AM

To: Duncan Byers <[dbyers@PWHD.com](mailto:dbyers@PWHD.com)>; Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>

Cc: Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>; Carla Veals <[cveals@pwhd.com](mailto:cveals@pwhd.com)>

Subject: RE: Terracino v. Trimaco, Inc.

Duncan: I want to follow up on the below. During our discussion on February 2, 2022—which was approximately three weeks ago-- you indicated that you intended to file an amended complaint. Given this news, we have withheld preparing our responsive filings to the complaint that is currently pending.

In your e-mail below, you indicated that we would have the amendment by no later than Tuesday, February 22. It is now February 24, and we have seen no sign of the amended pleading.

We are concerned about the current posture and are trying to determine how we should proceed. As noted, it doesn't make sense for us to expend time and resources preparing a response to your initially-filed Complaint if, as you have said, you intend to amend. At the same time, we have response dates that are fast approaching, so if we are going to move forward with the original pleading as the operative one, we need to do so.

Given all of this, we request that you take steps to provide us with the amended complaint by the close of business today. I have advised that will accept service on behalf of the two individual defendants (Cobaugh and May) as well as the Trimaco entity.

If you are not in a position to serve today, we would like to get a stipulated agreement in place by the end of the day that the response deadline for all three defendants will be 28 days from today, i.e. March 24, 2022, so that we have time to prepare our responses—whether to the original complaint or the “new” one.

I look forward to hearing from you. Thanks.

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**Sent:** Friday, February 18, 2022 5:03 PM  
**To:** Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>; Moyer, John <[JMoyer@btlaw.com](mailto:JMoyer@btlaw.com)>  
**Cc:** Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>; Carla Veals <[cveals@pwhd.com](mailto:cveals@pwhd.com)>  
**Subject:** [EXTERNAL]RE: Terracino v. Trimaco, Inc.  
**Importance:** High

All –

Apologies; I got bogged down on last – minute matters. You will have the Amended Complaint no later than Tuesday.



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<https://www.pwhd.com/duncan-g-byers>  
<https://www.linkedin.com/in/duncangbyers/>



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---

From: Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
Sent: Thursday, February 17, 2022 2:27 PM  
To: Duncan Byers <[dbyers@PWHD.com](mailto:dbyers@PWHD.com)>  
Cc: Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>  
Subject: FW: Terracino v. Trimaco, Inc.

Robert C. Van Arnam  
T 919.981.4055

---

From: Moyer, John <[JMoyer@btlaw.com](mailto:JMoyer@btlaw.com)>  
Sent: Thursday, February 17, 2022 2:20 PM  
To: Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
Cc: Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>  
Subject: RE: Terracino v. Trimaco, Inc.

Hi Rob—just wanted to check in on the below and see whether you had any further information about plaintiffs' amended pleading.

We are hoping to get clarity on whether (and when) plaintiffs plan to amend, as that will impact what we do on the global extension of time we agreed to previously.

Thanks in advance.

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From: Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
Sent: Monday, February 14, 2022 4:51 PM

**To:** Moyer, John <[JMoyer@btlaw.com](mailto:JMoyer@btlaw.com)>  
**Cc:** Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>  
**Subject:** [EXTERNAL]RE: Terracino v. Trimaco, Inc.

John – I'll follow up with co-counsel on the amendment. I also understood that your side was going to get back to us on sharing information and revenue numbers. Can you check on that. As for service, I'm not sure what happened there other than the process server might have kept making attempts. We will ensure they know service has been made. Rob

**Robert C. Van Arnam**  
T 919.981.4055

---

**From:** Moyer, John <[JMoyer@btlaw.com](mailto:JMoyer@btlaw.com)>  
**Sent:** Monday, February 14, 2022 4:44 PM  
**To:** Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
**Cc:** Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>  
**Subject:** RE: Terracino v. Trimaco, Inc.

Hi Rob—

I wanted to follow up on the below.

On our call earlier this month, you indicated that your clients would be filing an amended complaint. Do you still intend to do so, and if so, when can we expect to receive it? If you will not be amending then we need to file a Consent Motion allowing all defendants through March 23 to answer, as agreed below. Please let me know the status.

In addition, I understand that one of the individual defendants may have been served last week. Given that we indicated that we would be accepting service for Messrs. Cobaugh and May, I am not clear why your client appears to be taking steps to serve them directly.

I look forward to hearing from you. Thanks.

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**From:** Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
**Sent:** Monday, January 31, 2022 1:55 PM



**To:** Moyer, John <[JMoyer@btlaw.com](mailto:JMoyer@btlaw.com)>  
**Cc:** Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>  
**Subject:** [EXTERNAL]RE: Terracino v. Trimaco, Inc.

Ok thanks. I just heard from my co-counsel. We consent to the extension such that a response from all defendants that you represent will be due by March 23. Lets set up a call soon to discuss any opportunities for settlement.

Thanks,  
Rob

**Robert C. Van Arnham**  
T 919.981.4055

---

**From:** Moyer, John <[JMoyer@btlaw.com](mailto:JMoyer@btlaw.com)>  
**Sent:** Monday, January 31, 2022 1:50 PM  
**To:** Van Arnham, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
**Cc:** Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>  
**Subject:** RE: Terracino v. Trimaco, Inc.

Thanks. It will be my colleague Deborah Pollack-Milgate. She will be entering an appearance soon.

<https://btlaw.com/people/deborah-pollack-milgate>

I look forward to hearing back from you on the proposed extension. Thanks again.

**John Moyer** | Partner  
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**From:** Van Arnham, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
**Sent:** Monday, January 31, 2022 1:08 PM  
**To:** Moyer, John <[JMoyer@btlaw.com](mailto:JMoyer@btlaw.com)>  
**Cc:** Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>  
**Subject:** [EXTERNAL]RE: Terracino v. Trimaco, Inc.

John – Thanks for the call. You mentioned a co-counsel. Can you identify who that is. Thanks, Rob



**Robert C. Van Arnam**

T 919.981.4055

---

**From:** Moyer, John <[JMoyer@btlaw.com](mailto:JMoyer@btlaw.com)>  
**Sent:** Monday, January 31, 2022 11:06 AM  
**To:** Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
**Cc:** Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>  
**Subject:** RE: Terracino v. Trimaco, Inc.

Thanks. 404-264-4006

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**From:** Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
**Sent:** Monday, January 31, 2022 11:04 AM  
**To:** Moyer, John <[JMoyer@btlaw.com](mailto:JMoyer@btlaw.com)>  
**Cc:** Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>  
**Subject:** [EXTERNAL]RE: Terracino v. Trimaco, Inc.

Hi John. I'll give you a call now. What's the best number to reach you?

Rob

**Robert C. Van Arnam**

T 919.981.4055

---

**From:** Moyer, John <[JMoyer@btlaw.com](mailto:JMoyer@btlaw.com)>  
**Sent:** Monday, January 31, 2022 10:18 AM  
**To:** Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
**Cc:** Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>  
**Subject:** RE: Terracino v. Trimaco, Inc.

Hi Rob—let me know if you have a moment to chat about this case (and the below) sometime today. I am generally around, other than 3-4 pm. Thanks much.

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**From:** Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
**Sent:** Thursday, January 27, 2022 6:10 PM  
**To:** Moyer, John <[JMoyer@btlaw.com](mailto:JMoyer@btlaw.com)>  
**Cc:** Shores, Andrew <[ashores@williamsmullen.com](mailto:ashores@williamsmullen.com)>  
**Subject:** [EXTERNAL]Re: Terracino v. Trimaco, Inc.

John - I presume you also represent the individual defendants who I understand have been traveling. Will you accept service on their behalf?

Rob

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**From:** Moyer, John <[JMoyer@btlaw.com](mailto:JMoyer@btlaw.com)>  
**Sent:** Thursday, January 20, 2022 4:49:11 PM  
**To:** Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
**Subject:** RE: Terracino v. Trimaco, Inc.

Thanks, Rob. Appreciate the fast response. We will file a short consent motion with the Court.

Look forward to working with you as well.

Best-

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**From:** Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
**Sent:** Thursday, January 20, 2022 4:29 PM  
**To:** Moye, John <[JMoye@btlaw.com](mailto:JMoye@btlaw.com)>  
**Subject:** [EXTERNAL]Re: Terracino v. Trimaco, Inc.

Hi John. Long time. I'm sorry for the delay as I was traveling. Plaintiffs consent to the extension. I look forward to working with you on this case.

Best,  
Rob

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**From:** Moye, John <[JMoye@btlaw.com](mailto:JMoye@btlaw.com)>  
**Sent:** Thursday, January 20, 2022 11:36:35 AM  
**To:** Van Arnam, Robert C. <[rvanarnam@williamsmullen.com](mailto:rvanarnam@williamsmullen.com)>  
**Subject:** Terracino v. Trimaco, Inc.

Good morning Rob—

Nice to connect with you. I think I briefly intersected with you in a past life when you were at Hunton and I was at Kilpatrick as an associate. That was many years ago.

In any event, I am counsel for Trimaco, Inc., who is named as a defendant in the case you filed in the EDNC. Currently, I only represent Trimaco and do not represent the individually named defendants or 2300 Gateway, LLC.

By my calculation, Trimaco's responsive filing in this case is due Thursday, February 3. I have just recently been engaged and, given the factual and legal complexities of the case, it will take us some time to get up to speed on the issues and file our responsive submission.

Accordingly, we intend to request a 30 day extension, through March 7, to file our responsive pleading in this case. Please let me know if your client will consent to this request and we will prepare a short motion to the Court advising Judge Flanigan of same.

I am available to discuss as needed. Many thanks.

**John Moye** | Partner  
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